

REMARKS

Claims 1-12 are pending in this application. Claims 1, 3, 4, 8, 9, 10, and 11 are the independent claims. Claims 1-3 and 8-12 were previously withdrawn. Reconsideration and allowance of the present application are respectfully requested.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Specifically, in this Amendment Applicant amends the specification to include a definition for the term “number average polystyrene-equivalent molecular weight,” as requested by the Examiner. Entry of the Amendment is thus respectfully requested.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interviews conducted September 1, 2009 and September 2, 2009, Applicant wishes to thank the Examiner for the courtesies extended during the interview. During the interview, Applicant's representative and the Examiner discussed the term “number average polystyrene-equivalent molecular weight,” used in the instant application and recited in independent claim 4. In the interview, the Examiner indicated that the identity of the solvent and gel used in size exclusion chromatography (SEC) used to determine the “number average polystyrene-equivalent molecular weight” of the polymer recited in claim 4 would have to be

disclosed in the instant application, as the solvent / gel identity impacts any measurement of "number average polystyrene-equivalent molecular weight" for polymers. No agreement was reached during the interview.

It is Applicant's position that the ability to select an appropriate solvent / gel for accurately measuring "number average polystyrene-equivalent molecular weight" (using SEC), such that the measurement can be reproduced with acceptable precision, is within the skill set of a person of ordinary skill in the art. Therefore, **Applicant believes that it is the Examiner's burden to show that widely accepted solvents / gels for SEC are not already well-known, and that selection of specific solvents / gels (among those solvents / gels already known to be used for SEC) causes significant variations in the measurement of "number average polystyrene-equivalent molecular weights."** For this reason, **Applicant requests that the Examiner provide Applicant with a reference / document describing the nature of the Examiner's concerns with regard to the identity of the solvent / gel used in SEC measurements.**

Previous Rejections under 35 U.S.C. §112

Claims 4-7 were previously rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The Examiner has requested a definition of the term "number average polystyrene-equivalent molecular weight," such that a person of ordinary skill in the art would know the meets and bounds of the invention. Applicant amends the instant written disclosure in order to provide this definition. Applicant therefore believes that claims 4-7 are definite as they particularly point out and distinctly claim the subject

matter which Applicant regards as the invention. Therefore, Applicant respectfully requests that the rejections of these claims under 35 U.S.C. §112 be withdrawn.

Current Rejections under 35 U.S.C. §112

Claims 4-7 stand rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

For at least the reasons stated above, Applicant believes that the claims are definite as they particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Therefore, Applicant respectfully requests that the rejections of these claims under 35 U.S.C. §112 be withdrawn.

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CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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